

Mark A. Serlin, CSBN: 122155
 SERLIN & WHITEFORD, LLP
 700 E Street
 Sacramento, CA 95814
 Telephone: (916) 446-0790
 Facsimile: (916) 446-0791
 Email: mserlin@globelaw.com

Attorneys for Judgment Creditor
 CRYSTAL LEI

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

DEMAYAN,)	CASE NO. 3:11-cv-01814-RS
)	
Appellant,)	
)	APPLICATION FOR ISSUANCE OF
vs.)	ORDER TO SHOW CAUSE RE
)	CONTEMPT AGAINST DEMAS YAN
)	
TONY FU, CRYSTAL LEI, WEI SUEN,)	
BRYANT FU, and STELLA HONG)	
CHEN,)	
)	
Appellees.)	

Judgment creditor Crystal Lei (“Lei”) hereby applies for the issuance of an order to show cause re contempt directed to judgment debtor Demas Yan (“Yan”). Yan, an attorney presently subject to State Bar disciplinary proceedings and against whom the judgment herein arose by way of conduct deemed so egregious by the Ninth Circuit Court of Appeals that he was permanently banned from appearing in that court, is, in a word, untenable. The abject refusal to comply with a subpoena duces tecum duly served upon him and as to which no objection was ever filed or served, amply warrants the issuance of an order to show cause re contempt.

Per the accompanying declaration of Mark A. Serlin, in connection with an order to appear for a debtor’s examination, Lei caused a subpoena duces tecum for records to be personally served on Yan along with the order to appear for examination. Yan appeared for the examination, but

1 failed to bring any documents with him whatsoever. Despite being ordered by the Court during
2 the course of the examination to produce such documents, Yan has only belatedly produced a few
3 business bank statements and no other documents. As an attorney, Yan clearly understands the
4 importance of a subpoena and the necessity to produce documents pursuant thereto. Yan's abject
5 and clearly willful failure to produce virtually any documents pursuant to the subpoena is manifest
6 contempt of court. Therefore, it is appropriate and necessary that the Court issue an order
7 directing Yan to show cause, if any he has, as to why he should not be held in contempt for willful
8 failure to comply with a court order in the form of the subpoena.

9 DATED: July 19, 2017

SERLIN & WHITEFORD, LLP

10
11 By: /s/ Mark A. Serlin
12 MARK A. SERLIN, Attorneys for Judgment
13 Creditor CRYSTAL LEI
14
15
16
17
18
19
20
21
22
23
24
25

26 S:\Active Files\LEI & FU\federal court action\court docs\contempt.application.docx
27
28